

Chad  
Schulze/R10/USEPA/US  
12/30/2010 03:45 PM

To Jan Wroncy  
cc  
bcc  
Subject Re: Please call Mike Oedenthal and tell him there is an issue  
of compliance with the label because of land zoning

Hi Jan,

I'm not sure if he's in the Office today but I will forward your message to him. As described by Jim Tompkins of EPA HQ's, FIFRA only focuses on how a plot of land is being managed not the zoning criteria (maybe that is a local ordinance violation?). If the school is managing the entire strip as an ornamental garden then they could not use Arsenal ... What defines this strip as either "ornamental" or a "managed forest area"? Well, it depends on the owners intended use of the land and what type of plants are growing on it. During our tour, the both ODF and the Pitchfork Rebellion members stated that Weyerhaeuser had replanted the strip with commercial tree species. Do you know how the school is intending to use this land?

Please keep me in the loop this weekend ....

Thanks

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Jan Wroncy

Hi Chad, The land that the School is on is zoned...

12/30/2010 03:30:43 PM

From: Jan Wroncy (b) (6)  
To: Chad Schulze/R10/USEPA/US@EPA  
Date: 12/30/2010 03:30 PM  
Subject: Please call Mike Oedenthal and tell him there is an issue of compliance with the label because of land zoning

Hi Chad,

The land that the School is on is zoned for a school. Nothing in the zoning in Lane County Code allows use of this land for commercial timber production. Therefore I think that the use of Arsenal Applicator's Concentrate is illegal. Paul Clements is trying to get an answer from Lane County Lane Management (Planning) Department about this

apparent conflict of the School's land use. Being the New Year's holiday schedule, many offices are closed and we may not get an answer to this question until early next week.

I think it is appropriate to stay the spray operation which is scheduled for tomorrow morning so that Nick's Timber Service does not violate the label, and the School does not contract something that is illegal.

Can you help get this brief stay?

Paul Clements 541-935-2283

Nick's Timber Services, Inc. Nick Domes 503-910-1120

Jeff Richardson for Triangle Lake Charter Schools 541-925-3262